 the user.--

REMARKS

Claims 1-15 are in the present application, new claims 10-15 having been added by this Amendment. Claims 1, 6 and 10 are independent. Reconsideration in view of the above amendments and following remarks is respectfully requested. Additionally, Applicants attach a marked-up version of portions of the specification and claims in order to conform with the USPTO's new amendment procedures effective March 1, 2001.

Claim Rejections

Claims 1-9 stand rejected under 35 U.S.C. § 102(a) as being unpatentable over Parulski et al. (EP 0,860,980). This rejection is respectfully traversed, and is further inapplicable to new claims 10-15 as set forth below.

Preferred Embodiment of the Present Application

The present application, in a preferred embodiment, is directed to a network service system which enables a user of the system to send e-mail messages to recipients with an attached image that the user has selected, by accessing a center server of the network. Conventional digital photograph services often require a user to obtain a recorded medium such as a CD in order for a network service to output an image to the recording medium. This

can be both time consuming and costly, and typically since the desired image to be attached to the email message is not determined at the time of image registration, all of the images end up being recorded on the CD, which is costly.

The network photograph service system of the present application overcomes this and other disadvantages by providing the ability for a user to select, from a plurality of selectable images, a specified image to be generated as an attachment to an email sent to a desired recipient. Inclusive of this is the ability to specify particular destination addresses to which the image attachment is to be sent. The server also includes means for transmitting the electronic mail message with image attachment to the desired destination addresses.

In one aspect of the application, the user can account for the type of devices of the recipient that will handle the incoming email message with image attachments. Specifically, the user is able to select a desired attachment mode in advance for the image attachment, thereby conforming to the particular system or device of the recipient. Additionally, the network photograph service system enables the user to select the desired "send address" that will be reflected in the transmitted email message with image attachment.

In another embodiment, there is a substantially similar network photograph service system that performs the functions of the above system but which, instead of generating an electronic mail message with the attached

image, generates an electronic mail message that includes an address where the selected images may be accessed. This enhances transmission speeds as less data is being transmitted between user and desired recipient.

Claim Rejections

The Examiner has rejected all claims 1-9 under 35 U.S.C. § 102(a) as being unpatentable over Parulski et al. (EP 086098082). This rejection is respectfully traversed.

Parulski et al.

Parulski et al. disclose an electronic camera that has a utilization selection capability to communicate with downstream network service providers, and/or a walkup Kiosk to which a camera 12 is inserted into. The camera 12 is provided with a software application such as a CD 40 for running imbedded applications on a host personal computer 10 of the user. These applications specify the names of downstream service providers, network addresses and related account information such as billing, mailing addresses, etc. Additionally via the software application the user can select one or more creative backgrounds that are offered by a service provider 14, and can also enter one or more text messages.

There appear to be three facets of the system: (1) the ability to order so as to print; (2) the ability to email images to friends; (3) and the ability to send data to a network service provider for storage in an album, as illustrated in Fig.

2. In one aspect, the camera 12 could be connected to a modem (i.e., interface 28), such that the print order information and image information needed to fulfill a print order is transmitted from camera 12 to service provider 14 via a suitable network interface 31. Additionally, the user can transmit one or more images to others by selecting the image on an LCD of the camera, designate who will receive them using the application software at his/her PC 10, and then email messages to others. This email order information or image information (this is unclear in Parulski et al. as to exactly what constitutes "information") is provided in a utilization file that gives the email address and includes pointers to the image file on a memory 32 of the camera or disk 36 of the camera that store the images required to fulfill the email order.

Further, if the camera includes a transmitter, the camera could initiate a send command that the user would enable after completing the email order. This command would automatically send the appropriate images to the appropriate users' email accounts through the network 31 using the appropriate communications protocol (FTP mail to, etc.). Alternately the camera could be placed in a docking unit containing a modem at Kiosk 16.

In another aspect, instead of having the camera 12 communicate directly to service provider 14 over the communications network 31, the communications network 31 from the camera 12 could be connected to an ISP such as Earthlink, etc. Thus, the "downstream" service provider 14 would be connected to all ISPs

via the Internet, eliminating a need to maintain a separate communications network . The ISP would transfer the utilization file data and images needed to order prints (or to be placed in an album) to the downstream service provider 14. Further, the ISP could itself handle emailing of images to other users, using the data images in the utilization file.

Distinctions Over Parulski

Applicants respectfully submit that Parulski et al. fails to teach or suggest at least the feature of “generating an electronic mail message with a selected image as an attachment to the electronic mail message, without requiring a recipient of the electronic mail with attached image to activate an address that points the recipient to a file which stores the selected image”. As such, for example, the email message can be sent directly to a recipient, without the recipient having to click on a URL or other hyper-texted within the email message, for example. In Parulski et al., to the contrary, in its email order information, only an email address and pointers to the image file (which are stored either in internal memory 32 or on a memory disk 36 of the camera) exist in order to fulfill the email order. Accordingly, for at least such reasons, independent claim 1 is believed to be patentable over Parulski et al.

Other dependent claims of the present application even further distinguish Applicants’ invention from Parulski et al. For example, with regard to claim 3, it

sets forth that an "attachment mode selecting means" is included for enabling a user to select a desired attachment mode, for sending the image in a desired format to the recipient, for example. The Examiner alleges that lines 56-57 on page 3 of Parulski et al., which discusses an image detail section 92 to 102, teaches such a claim feature. However, the image detail section of Parulski et al. only describes the file type and location of each image, and does not discuss enabling a user to select the desired attached mode for sending the image as an attachment with the email message. Accordingly, for at least such reasons, and for the reasons previously presented with regard to independent claim 1, Applicants believe that claim 3 is allowable over Parulski et al.

With regard to claim 5, claim 5 includes a user address setting means for enabling a user to set an electronic mail address. Thus, the user can set their own "send address" which is indicated in the email message with a message which the attached image was sent from. The Examiner has pointed to no section of Parulski et al. which teaches or suggests such a feature. Accordingly, for at least these reasons and for reasons previously presented with regard to claim 1, Applicants respectfully submit that claim 5 is allowable over Parulski et al. With regard to the remaining claims dependent upon claim 1, these claims are allowable for at least the reasons previously set forth with regard to independent claim 1.

With regard to claim 6, claim 6 has been amended to include a feature from claim 9; namely to include the feature of a user address setting means for enabling the service user to set their mail address. At least such a feature, as somewhat similarly discussed above with regard to claim 5, is not taught or suggested by Parulski et al. Accordingly, for at least such reasons, claim 6 and all claims depending thereon are allowable over Parulski et al.

New Claims

New claims 10-15 have been added in an effort to provide further protection for Applicants' invention. Applicants believe that these claims are also allowable over the prior art of record, even including Parulski et al.

Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-15 in connection with the present application is earnestly solicited.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Matthew J. Lattig (Registration No. 45,274) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. § 1.17 and 1.136(a), the Applicant respectfully petitions for a two (2) month extension of time for filing a response in connection with the present application, and the required fee of \$390.00 is attached.

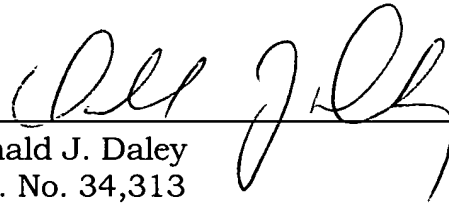
If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: _____

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Reg. No. 34,313



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Attachments: Marked-Up Version of Claims and Specification

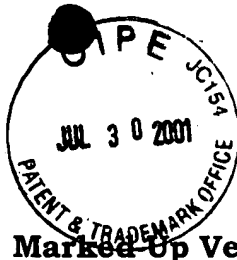


Attorney Docket No.: 2091-186P
Application No.: 09/246,695

Marked-Up Version of the Abstract and Specification

--IN THE ABSTRACT

[Image transmission via electronic mail is carried out more easily and at low cost.] An image file is managed by a database of a system of a service provider (center server) on a network. The center server obtains various kinds of information (such as an image ID to specify the image to be transmitted and a destination address) input to the system by a service user who has viewed the disclosed image. Based on this information, the center server reads the specified image file from the database, converts the image file into an attachment document format, generates an image-attached electronic mail message, and transmits the electronic mail message to the specified address.--



Attorney Docket No.: 2091-186P
Application No.: 09/246,695

Marked-Up Version of the Specification

Page 1

The second full paragraph has been amended as follows:

As a form of a digital photograph service, a network photograph service which stores (registers) a digital image of a user in a service provider system and receives a printing order or the like via a network such as the Internet [has been] is known.

Page 3

The first partial paragraph has been amended as follows:

case, since [which] the image [will] that is desired to be attached to an electronic mail message is not [decided upon the] determined at the time of the request for image registration, all the images end up being recorded, which is costly.

The first full paragraph has been amended as follows:

On the other hand, in the method wherein an image is obtained by downloading, only a necessary image can be obtained as required. However, since an image data size is generally large, time and cost (a communication charge) are [necessary upon] required when downloading the image to a personal

computer. Furthermore, time and cost are also [necessary] required when the downloaded image is sent to a mail server as an attachment to an electronic mail message.

Page 4

The fourth full paragraph has been amended as follows:

The “image storing means” specifically means an image database which stores and manages images received from users [service users]. Each image is stored and managed, in a large-capacity hard disc or the like, as an image file having a file name [decided upon registration thereof according to] that is determined based on a predetermined rule (for example, a combination of a registration ID and the date of the image registration). The image file can be read from the hard disc [upon] based on necessity, for example. The image storing means does not necessarily correspond to [one] a single recording medium, and images may be stored in a distributive manner [in] on a plurality of hard discs of one computer, or [in] on a plurality of hard discs of a plurality of server computers.

The paragraph bridging pages 4 and 5 has been amended as follows:

The “image selecting means” displays stored images collectively on a screen of a personal computer of a user who has accessed the system via the

network, and enables image selection by a number input [or specification by] with a mouse, for example. The input entered by the user is provided to the system as information indicating the selected image.

Page 5

The first full paragraph has been amended as follows:

It is preferable for the images displayed collectively by the image selecting means to be limited to images registered by the user, as in a conventional network system. However, since the present invention is applicable not only to the images registered by a user, but also to images provided by the service provider, [the] a function to restrict viewing by the image selecting means is not necessarily required.

The second full paragraph has been amended as follows:

The "mail generating means" converts an image [as] ~~from~~ binary data to text data as an attachment document having predetermined management information, and attaches the document to an electronic mail message.

The third full paragraph has been amended as follows:

As has been described [in the] above, since the manner of attaching binary data varies depending on the type of personal computer handling the electronic

mail, such as Base64 for a Windows computer, and UUENCODE for a UNIX machine, it is preferable for the user to be able to select the attachment mode in advance. In other words, it is preferable for the above network photograph service system to further comprise attachment mode selecting means for enabling the service user to select an attachment mode by presenting a plurality of attachment modes as formats to attach the image so that the mail generating means can carry out the image attachment according to the format selected by the attachment mode selecting means.

Page 6

The first full paragraph has been amended as follows:

The “destination address specifying means” is a function to display an input box on the screen of the personal computer of the user, and to obtain an electronic mail address input by the user. It is preferable for the destination address specifying means to enable [specification of] ~~one to specify~~ a plurality of destination addresses for [one] ~~a single~~ electronic mail message, so that the same message is ~~simultaneously~~ sent to a plurality of addressees.

The second full paragraph has been amended as follows:

The “mail transmitting means” is a function to transmit, to the network, a text file comprising a comment and an image, with information showing a title

and the destination address as a mail header.

The third full paragraph has been amended as follows:

In order to enable a comment to be transmitted together with an image, it is preferable for the network photograph service system to [further comprise] ~~include~~ comment inputting means for enabling the service user to input a comment on the image selected by the image selecting means so that the mail generating means generates an electronic mail message including the input comment as text.

Page 7

The first partial paragraph has been amended as follows:

a title, a destination address, the sender's address, ~~etc.~~ [and the like]. A mail header is automatically generated by electronic mail software or the like, based on information pre-set by the user or set for each mail. General electronic mail software automatically sets the address of the user of the software as the sender's address.

The first full paragraph has been amended as follows:

When [the same manner as by the above] general electronic mail software is adopted in the network photograph service system, the mail address of the

service provider is set as the sender's address. When a recipient of the mail does not use the address of the sender, this [manner] does not cause a problem. However, some electronic mail software automatically generates a reply message by referring to the address of the sender described in the mail message and setting the address as the destination address of the reply mail. Therefore, it is preferable for the service user's mail address to be set as the address of the sender.

The second full paragraph has been amended as follows:

In other words, it is preferable for the network photograph service system to [further comprise] ~~include~~ user address setting means which enables the service user to set an electronic mail address of the service user so that the mail transmitting means describes the electronic mail address set by the user address setting means as the address of the sender of the electronic mail message.

The paragraph bridging pages 7 and 8 has been amended as follows:

[The] A first network photograph service system [described in the above] ~~of the invention~~ sends an image as an electronic mail message. A second network photograph service system of the present invention which will be explained next sends an address of an image rather than the image itself.

MARKED-UP VERSION OF THE CLAIMS

1. (Amended) A network photograph service system [which provides various kinds of services using an image by disclosing the image on a network, the network photograph service system]comprising:

image storing means for storing [at least one image] a plurality of images;

image selecting means for enabling a service user to select [one or a] at least one of the plurality of stored images [from the image or the images stored in the image storing means], by enabling the [image or the images in the image storing means] stored images to be viewed on the network;

mail generating means for generating an electronic mail message [including] with the selected image [or the images selected by the image selecting means] as an attachment to the electronic mail message, without requiring a recipient of the electronic mail with attached image to activate an address that points the recipient to a file which stores the selected image;

destination address specifying means for enabling the service user to specify a destination address of the electronic mail message; and

mail transmitting means for transmitting the electronic mail message to the destination address specified by the destination address specifying means.

2. (Amended) A network photograph service system as claimed in claim 1, further comprising comment inputting means for enabling the service user to input a comment on the image selected by the image selecting means, [characterized by that]

wherein the mail generating means generates an electronic mail message including the input comment as text.

3. (Twice Amended) A network photograph service system as claimed in claim 1 [or 2], further comprising attachment mode selecting means for enabling the service user to select an attachment mode by presenting a plurality of attachment modes as formats for attaching the image, [characterized by that]

wherein the mail generating means attaches the image according to the attachment mode selected by the attachment mode selecting means.

4. (Amended) A network photograph service system as claimed in [any one of]claim[s] 1 [to 3], wherein the destination address specifying means enables specification of a plurality of destination addresses for one electronic mail message.

5. (Amended) A network photograph service system as claimed in claim 1, further comprising user address setting means for enabling the service user to set their electronic mail address thereof, [characterized by that] wherein the mail transmitting means describes the mail address set by the user address setting means as the address of the sender of the electronic mail message.

6. (Amended) A [second] network photograph service system [which provides various kinds of services using an image by disclosing the image on a network, the network photograph service system], comprising:

image storing means for storing [at least one image] a plurality of images;

image selecting means for enabling a service user to select [one or a] at least one of the plurality of stored images [from the image or the images stored in the image storing means], by enabling the [image or the] stored images [stored in the image storing means] to be viewed on a

network;

mail generating means for generating an electronic mail message [including] ~~with~~ an address [or addresses of the image or the images] ~~of the selected [by the image selecting means] image;~~

destination address specifying means for enabling the service user to specify a destination address of the electronic mail message; [and]

mail transmitting means for transmitting the electronic mail message to the ~~specified~~ destination address [specified by the destination address specifying means];

and user address setting means for enabling the service user to set their mail address.

8. (Amended) A network photograph service system as claimed in claim 6 [or 7], wherein the destination address specifying means enables specification of a plurality of destination addresses for one electronic mail message.

9. (Amended) A network photograph service system as claimed in [any one of] claim[s] 6 [to 8], further comprising user address setting means for enabling the service user to set a mail address thereof, [characterized by that] the mail transmitting means describes the mail address set by the

user address setting means as the address of the sender of the electronic mail message.